

FORM PTO-1390  
(REV 10-94)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

13045.36USWO

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5)

Unknown 10/517947

INTERNATIONAL APPLICATION NO.

INTERNATIONAL FILING DATE

PRIORITY DATE CLAIMED

PCT/US03/15340

15 May 2003

16 May 2002

TITLE OF INVENTION

FLUID-ASSISTED MEDICAL DEVICES, SYSTEMS AND METHODS

APPLICANT(S) FOR DO/EO/US


MCCLURKEN, et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(I).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☒ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☒ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An unsigned oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11. to 16. below concern document(s) or information included:**

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A FIRST preliminary amendment.  
☐ A SECOND or SUBSEQUENT preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information: Petition for Revival Under 37 CFR 1.137(b), \$1,500 Revival Fee, Application Data Sheet, Submission of Formal Drawings, 30 sheets of Formal Drawings, International Publication Page A2, International Publication Page A3, Form PCT/ISA/210, Form PCT/IB/301, Form PCT/IB/304, Form PCT/IB/308

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5)		INTERNATIONAL APPLICATION NO.		ATTORNEY'S DOCKET NUMBER		
Unknown, <b>10/517947</b>		PCT/US03/15340		1304556USWO		
<b>BASIC NATIONAL FEE (37 CFR 1.492(a) (1)-(5)):</b>						
[X] a) Basic National fee.....				\$300.00	\$300.00	
[X] b) Examination fee.....				\$200.00	\$200.00	
[X] c) Search fee.....				\$500.00	\$500.00	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$1000.00		
Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.						
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)		Rate		
-100 =	/50 =			X \$250.00	\$	
Surcharge of \$130.00 for furnishing the oath or declaration later than [ ] 20 [ ] 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$		
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE			
Total claims	1 -20 =	0	X \$50.00	\$0.00		
Independent claims	1 -3 =	0	X \$200.00	\$0.00		
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360.00	\$		
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$1000.00		
Reduction by 1/2 for filing by small entity, if applicable. Small entity status is claimed pursuant to 37 CFR 1.27				\$		
<b>SUBTOTAL =</b>				\$1000.00		
Processing fee of \$130.00 for furnishing the English translation later than [ ] 20 [ ] 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				+	\$	
<b>TOTAL NATIONAL FEE =</b>				\$1000.00		
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				+	\$40.00	
<b>TOTAL FEES ENCLOSED =</b>				\$1040.00		
				Amount to be refunded	\$	
				charged	\$	
a. [X] Check(s) in the amount of <u>\$1000 and \$40</u> to cover the above fees is enclosed.						
b. [ ] Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.						
c. [X] The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>13-2725</u> .						
<b>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.</b>						
SEND ALL CORRESPONDENCE TO: Mara E. Liepa MERCHANT & GOULD P.O. Box 2903 Minneapolis, MN 55402-0903						
				SIGNATURE: 		
				NAME: Mara E. Liepa		
				REGISTRATION NUMBER: 40,066		

10/517947

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: MCCLURKEN, et al.

DT05 Rec'd PCT/PTO 14 DEC 2004

Docket: 13045.36USWO

Title: FLUID-ASSISTED MEDICAL DEVICES, SYSTEMS AND METHODS

## CERTIFICATE UNDER 37 CFR 1.10

'Express Mail' mailing label number: EV 408490875 US

Date of Deposit: December 14, 2004

I hereby certify that this paper or fee is being deposited with the United States Postal Service 'Express Mail Post Office To Addressee' service under 37 CFR 1.10 and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: 

Name: David Ortiz

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

We are transmitting herewith the attached:

- ☒ Transmittal sheet, in duplicate, containing Certificate under 37 CFR 1.10.
- ☒ National Stage PCT Patent Application: Spec. 70 pgs; 67 claims.  
The fee has been calculated as shown below in the 'Claims as Filed' table.
- ☒ 30 sheets of formal drawings
- ☒ An unsigned Combined Declaration and Power of Attorney
- ☒ Assignment of the invention to TISSUELINK MEDICAL, INC., Recordation Form Cover Sheet
- ☒ A check in the amount of \$1000.00 to cover the Filing Fee
- ☒ A check for \$40.00 to cover the Assignment Recording Fee.
- ☒ Application Data Sheet, 5 pages.
- ☒ Other: Petition for Revival Under 37 CFR 1.137(b), \$1,500 Revival Fee, Form PTO-1390, Application Data Sheet, Submission of Formal Drawings, 30 sheets of Formal Drawings, International Publication Page A2, International Publication Page A3, Form PCT/ISA/210, Form PCT/IB/301, Form PCT/IB/304, Form PCT/IB/308
- ☒ Return postcard

## CLAIMS AS FILED

Number of Claims Filed		In Excess of:		Number Extra		Rate		Fee
<b>Basic Filing Fee</b>								\$1000.00
<b>Total Claims</b>								
1	-	20	=	0	x	50.00	=	\$0.00
<b>Independent Claims</b>								
1	-	3	=	0	x	200.00	=	\$0.00
MULTIPLE DEPENDENT CLAIM FEE								\$0.00
TOTAL FILING FEE								\$1000.00

Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

MERCHANT &amp; GOULD P.C.

P.O. Box 2903, Minneapolis, MN 55402-0903

(612) 332-5300

By: 

Name: Mara E. Liepa

Reg. No.: 40,066

Initials: MEL/pjk

23552

PATENT TRADEMARK OFFICE

(PTO TRANSMITTAL - NEW FILING)

10/517947

DT05 Rec'd PCT/PTO 14 DEC 2004

S/N Unknown

PATENT #3

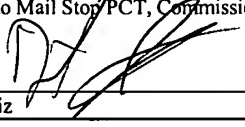
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Mcclurken, et al. Examiner: Unknown  
Serial No.: Unknown Group Art Unit: Unknown  
Filed: Herewith Docket No.: 13045.0036USWO  
Title: FLUID-ASSISTED MEDICAL DEVICES, SYSTEMS AND METHODS

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV 408490875 US  
Date of Deposit: December 14, 2004

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By:   
Name: David Ortiz

SUBMISSION OF FORMAL DRAWINGS

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

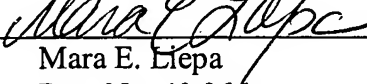
Dear Sir:

Submitted herewith are 30 sheet(s) of Formal Drawings for completion of this application. These drawings are being submitted to formalize the drawings as originally filed. No new matter has been added.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, MN 55402-0903  
(612)332.5300

Dated: December 14, 2004

By:   
Mara E. Liepa  
Reg. No. 40,066

MEL/pjk

23552

PATENT TRADEMARK OFFICE